

*Kearney, Nebraska  
May 28, 2013  
7:00 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on May 28, 2013, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: Randy Buschkoetter. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Bruce Lefler, Doug Nygren, Mike Ostroski, Phil Jossi, Steve Altmaier from KGFV Radio, Adam Konruff from Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

## **I. ROUTINE BUSINESS**

### **INVOCATION**

The Council held a moment of silent prayer.

### **PLEDGE OF ALLEGIANCE**

The Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

### **ORAL COMMUNICATIONS**

None.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

There were no Public Hearings.

#### IV. CONSENT AGENDA

Moved by Lammers seconded by Nikkila that Subsections 1 through 22 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

1. Approve Minutes of Regular Meeting held May 14, 2013.
2. Approve the following Claims:

PS	Personnel Services
SMCS	Supplies, Materials & Contractual Services
ER	Equipment Rental
CO	Capital Outlay
DS	Debt Service

911 Custom \$287.99 o; 4 Imprint \$898.43 smcs; A T & T \$177.59 smcs; Ace Hardware \$31.98 smcs; Ace Industries \$329.41 smcs; Ace Irrigation \$575.29 co; Advance Auto Parts \$90.34 smcs; Agri Service Center \$2,886.91 smcs; Alfred Benesch \$25,860.99 co; All Makes Auto \$257.79 smcs; Amazon \$4,760.35 smcs,co; American \$1,785.66 smcs; American First Aid \$330.51 smcs; American Legion \$250.45 smcs; Amsan \$588.50 smcs; Andersen Wrecking \$160.00 smcs; Antelope Bookstore \$66.13 smcs; APA-Memberships \$556.75 smcs; Apex Superstores \$54.75 smcs; Apple Market \$17.04 smcs; ARC Services \$455.00 smcs; Ardent Lighting \$8,489.57 co;ASCAP Licensing \$2.05 smcs; Ask Supply \$1,325.85 smcs; Audio Go \$266.76 smcs; Aurora Coop \$54.40 smcs; Backdrop Outlet \$110.00 smcs; Bags and Bows \$192.45 smcs; Baird Holm \$4,200.00 smcs; Baird Supporting Systems \$390.50 co; Baker & Taylor Books \$10,325.88 smcs; Barr-Thorp Electric \$90.46 smcs; Beach,T \$250.00 smcs; Bickford,D \$100.00 smcs; Bike Kit \$100.14 smcs; Bike Nashbar \$454.78 co; Bishoff,B \$75.00 smcs; Blackstone Audiobooks \$10.50 smcs; Bluecross Blueshield \$69,233.36 smcs; Boogaarts \$19.62 smcs; Bosselman \$32,497.55 smcs; Bowman,R \$400.00 smcs; Broadfoot's \$1,583.20 smcs; Brungardt Engineering \$1,160.00 smcs; Buffalo Co. Sheriff \$146.00 smcs; Buffalo Co. Treasurer \$59.00 co; Buffalo Outdoor Power \$462.44 smcs; Buggy Bath \$2,010.00 smcs; Builders \$2,247.61 smcs,co; Buysm Sod \$2,000.00 co; Cabela's \$64.99 smcs; Cap America \$427.84 smcs; Capital Business Systems \$220.99 smcs; Carquest \$4,134.07 smcs; Cash-Wa \$5,130.75 smcs; Casper/Natrona Co. \$5,200.00 smcs; CDW Government \$807.70 co; Center Point Large Print \$203.01 smcs; Central Fire & Safety \$36.50 smcs; Central Hydraulic Systems \$365.04 smcs; Central NE Bobcat \$365.29 smcs; Chances "R" \$384.41 smcs; Charter \$244.98 smcs; Chesterman \$1,159.70 smcs; City Glass \$70.26 smcs; City of Ky \$302,246.60 smcs,ps; Community Action Partner \$7,904.75 smcs,co; Complete Music \$300.00 smcs; Conroy,B \$1111.87 smcs; Conseco \$19.00 ps; Construction Rental \$2,552.09 smcs,co; Copycat Printing \$944.24 smcs,co; CPToycom \$75.98 smcs; Crane River Theater \$2,500.00 smcs; Creative Teacher \$39.20 smcs; Credit Mgmt. Services \$452.30 ps; Crossroads Ford \$1,619.29 smcs; CT Flags \$312.43 smcs; Culligan \$211.60 smcs; Cummins Central Power \$1,067.88 smcs; Cunningham,S \$12.00 smcs; Curb-It \$1,542.00 co; D&S Lighting \$553.34 smcs; Danko Emergency \$224.30 smcs; Davis Equip \$359.53 smcs; Davis,S \$15.00 smcs; Dawson Public Power \$19,608.30 smcs;

Deaton-Kennedy \$194.88 smcs; Dell \$2,061.16 co; Demco \$311.00 smcs; Dent Popper \$450.00 smcs; Dish \$65.31 smcs; Dmilaco \$63.14 smcs; Dowhy Towing \$100.00 smcs; Duane Svec Advertising \$326.32 smcs; Eakes \$988.85 smcs; Earl May \$252.96 smcs; Elliott Equipment \$2,200.41 smcs,co; EMC Insurance \$5,506.91 smcs; ERC Wiping Products \$131.12 smcs; Evident \$42.00 smcs; Expression Wear \$417.30 smcs; Fairbanks \$779.34 smcs; Family Advocacy Network \$2,000.00 smcs; Farmers Union \$25.23 smcs; Fast Mart \$77.06 smcs; Fast Phil \$10.81 smcs; Fastenal \$1,082.50 smcs; Fiddelke \$150.00 smcs; Fire Engineering \$29.00 smcs; Fire Service Mgt Turnout \$55.57 smcs; Flaherty,T \$200.00 smcs; Fleetpride \$175.19 smcs; Fotoservice \$358.20 smcs; Frontier \$9,485.23 smcs; Gale \$1,356.96 smcs; Galls \$129.63 smcs; Gangwish Turf \$36.00 smcs; Ganz Title & Escrow \$142.50 smcs; Garrett Tires \$4,258.65 smcs; Gaylord Bros \$300.53 smcs; GE Money Bank \$2,040.84 smcs; Gearhart,R \$160.00 smcs; Geiselman,J \$100.00 smcs; Gibbon Transmissions \$2,201.78 smcs; Gintzler,M \$73.60 smcs; Graham Tire \$2,949.10 smcs; Grainger \$546.00 smcs; Grove,Z \$31.19 smcs; H&H Distributing \$707.45 smcs; Haase,R \$100.00 smcs; Hach \$1,262.65 smcs; Hampton Inn \$198.52 smcs; Harbor Freight \$166.98 smcs; Harvey,J \$157.55 smcs; Haunted Windchimes \$1,000.00 smcs; HD Supply \$6,580.50 smcs; Heartland Events Center \$1,152.00 smcs; HF Crave \$21.81 smcs; Hill,A \$100.00 smcs; Hinrichs,S \$100.00 smcs; Hobby-Lobby \$272.27 smcs; Hollinger Metal Edge \$95.57 smcs; Holmes Plumbing \$827.84 smcs; Hometown Leasing \$740.32 smcs,co; Howard Tech \$2,862.00 smcs; Humanities NE \$50.00 smcs; Hyatt Hotels \$1,019.56 smcs; Hydro Tech \$439.50 smcs; I-80 Store \$25.00 smcs; IA-NE-SD PRIMA Chapter \$40.00 smcs; ICMA Retirement Trust \$7,675.68 ps; Infogroup \$350.00 smcs; Internal Revenue Service \$255,646.09 ps; Interstate All Battery \$191.40 smcs; Int'l Code Council \$125.00 smcs; Int'l Municipal Lawyers \$625.00 smcs; J&P Parkseed \$8.82 smcs; Jack Lederman \$883.69 smcs; James,D \$1,000.00 smcs; JC Masonry \$750.00 co; Jelinek,A \$800.00 smcs; John Deere Landscapes \$495.63 smcs,co; Johnson Hardware \$318.00 co; Johnston, J \$100.00 smcs; Johnstone Supply \$16.99 smcs; Jrs Western \$247.92 smcs; Kart-Man \$999.48 smcs; Ky Ampride \$123.84 smcs; Ky Chamber Comm \$540.00 smcs; Ky Clinic \$1,173.00 ps; Ky Concrete \$4,106.13 smcs; Ky Crete & Block \$1,237.78 co; Ky Floral \$48.15 smcs; Ky Glass \$72.00 smcs; Ky Hub \$4,325.49 smcs; Ky Humane Society \$6,825.00 smcs; Ky Powersports \$2,037.60 smcs; Ky United Way \$637.04 ps; Ky Winlectric \$185.31 smcs; Ky Winnelson \$56.07 smcs; Keeney,J \$100.00 smcs; Killion Motors \$58.14 smcs; Kimball Midwest \$942.44 smcs; Konica Minolta \$2,570.23 smcs; Koopman,B \$100.00 smcs; Krueger,D \$73.60 smcs; Landmark Implement \$1,424.88 smcs; Larsen,L \$36.00 smcs; Lawson Products \$160.95 smcs; LCL Truck Equip \$1,950.00 smcs; Lednsirenscom \$992.08 co; Lego Shop at Home \$137.70 smcs; Lincoln Winwater \$909.50 smcs; Little Caesars \$37.75 smcs; Lockewell \$315.29 smcs; Lockmobile \$90.60 smcs; Logan Contractors \$229.59 smcs; Logmeincom \$399.50 smcs; Look What's Cookin' \$20.00 smcs; Looney,N \$100.00 smcs; Mac Tools \$399.99 smcs; Magic Cleaning \$7,160.00 smcs; Maloley,J \$16.33 smcs; Marlatt Machine Shop \$481.49 smcs; Masek Golf Car \$2.00 smcs; Matheson Tri-Gas \$979.70 smcs; Maxx Sunglasses \$162.50 smcs; Menards \$2,470.81 smcs,co; Merryman \$230.40 smcs; Metlife \$7,765.37 ps; Midwest Storage Solutions \$1,987.09 co; Midwest Turf \$296.85 smcs; Miller & Associates \$13,698.77 smcs,co; Miller Signs \$75.00 smcs; Monoprice \$91.02 smcs; Moonlight Embroidery \$365.00 smcs; Mr. Billy \$350.00 smcs; Municipal Emergency \$330.00 smcs; Municipal Supply \$6,420.12 smcs; Munster,S \$75.00 smcs; Murphy Tractor \$45.72 smcs; National Imprint \$160.55 smcs; Navigator Motorcoaches

\$1,254.00 smcs; NCL of Wisconsin \$298.17 smcs; NCS Equipment \$37.99 smcs,co; NE Amateur Softball \$1,782.00 smcs; NE Central Seniors Golf \$75.00 smcs; NE Child Support Pyt. Ctr. \$4,840.24 ps; NE Dept. of Revenue \$72,853.57 smcs,ps; NE Licensed Bev. Assoc \$200.00 smcs; NE Liquor Control Comm. \$70.00 smcs; NE Machinery \$7,204.91 smcs; NE Peterbilt \$38.39 smcs; NE Safety & Fire \$174.00 smcs; NE Secretary of State \$130.00 smcs; NE State Volunteer \$320.00 smcs; NE Truck & Equipment \$1,477.14 smcs; NE Truck Center \$3,265.15 smcs; Nebraskaland Distributors \$1,249.30 smcs; Nickerson,T \$100.00 smcs; Northern Safety \$210.00 smcs; Northwestern Energy \$1,896.18 smcs; Novus \$45.00 smcs; NPPD \$82,701.84 smcs; Nutt,M \$410.00 smcs; NWAGA \$25.00 smcs; OCLC \$398.75 smcs; O'Connor,S \$100.00 smcs; Office Depot \$177.35 smcs; Office Max \$684.77 smcs; Officenet \$471.31 smcs; O'Hara Lindsay & Assoc. \$1,500.00 smcs; O'Keefe Elevator \$206.00 smcs; Online Sign Purchase \$818.14 smcs; O'Reilly Auto \$32.55 smcs; Oriental Trading \$222.30 smcs; Orscheln \$810.18 smcs; Outrageous Cakes \$25.00 smcs; Overland Trails \$250.00 smcs; Paramount \$120.22 smcs; Party America \$20.29 smcs; Payflex Systems \$544.00 ps; Payne,M \$178.00 smcs; Paypal \$405.00 co; PCI Products \$558.60 smcs; Peoplecube \$330.00 smcs; Pep Co. \$56.34 smcs; Perform Health \$27.18 smcs; Perpetual Plaques \$121.45 smcs; Pitney Bowes \$810.00 smcs; Platte Valley Comm. \$1,371.60 smcs,co; Platte Valley Medical Group \$315.00 ps; PLI Splitview \$39.00 co; Pockets Full of Fun \$400.00 smcs; Posguyscom \$420.00 smcs; Positive Promotions \$109.15 smcs; Potter,K \$100.00 smcs; Pratt,T \$73.60 smcs; Prestige Group \$328.57 smcs; Presto-X \$447.35 smcs; Progressive \$407.60 smcs; Provantage \$2,186.64 smcs,co; Pure Platinum DJ Service \$275.00 smcs; QA Balance \$125.00 smcs; Quill \$392.99 smcs; Random House \$213.75 smcs; Ready Mixed Concrete \$1,895.00 co; Reams \$767.41 co; Recognition Unlimited \$37.30 smcs; Recorded Books \$2,833.37 smcs; Recreonics \$391.59 smcs; Red Wanting Blue \$2,500.00 smcs; Redman's Shoes \$100.00 smcs; Reeder,L \$100.00 smcs; Reineke,B \$73.60 smcs; Research Tech \$289.95 smcs; Rich,T \$73.60 smcs; Robbins,H \$75.00 smcs; Roeda Signs \$109.22 smcs; Rose Equipment \$480.75 smcs; Royle,K \$100.00 smcs; RT Corporation \$411.07 smcs; Run-N-Iron \$35.00 smcs; SA Foster Lumber \$5.39 smcs; Safariland \$448.98 smcs; Safe-T Rack Systems \$354.58 smcs; Sahling Kenworth \$23.38 smcs; Sandhill Plastics \$128.39 smcs; Sanitation Products \$1,626.82 smcs; Sapp Brothers \$8,650.24 smcs; Schwanz,T \$75.00 smcs; Sherwin Williams \$1,579.28 smcs,co; Shoplet \$621.20 smcs; Showcases \$1,060.80 smcs; Siebert,P \$125.00 smcs; Sirchie Finger Print Lab \$202.25 smcs; Sirsi Dynix \$525.00 smcs; Slack,N \$75.00 smcs; Slogett,M \$4.98 smcs; Snap-On Tools \$549.00 smcs; Snow,T \$248.60 smcs,co; Sorensen,J \$8.75 smcs; SOS Portable Toilets \$105.00 smcs; Sports Village \$48.96 Smcs; Stagecoach \$33.00 smcs; Staples \$11.76 smcs; Steinbrink Landscaping \$3,500.00 smcs; Strand,M \$22.11 smcs; Strategic Materials \$356.88 smcs; Strategos Int'l \$795.00 smcs; Sunmart \$0.99 smcs; Super Media Store \$526.84 smcs; Superior Signals \$247.64 smcs; Sydow,J \$73.60 smcs; Target \$243.01 smcs; Taser Int'l \$807.00 smcs; Telegraph \$123.26 smcs; Texoma Golf \$232.34 smcs; Theis,J \$60.00 smcs; Thompson,D \$100.00 smcs; Thompson,J \$73.60 smcs; Tielke's Sandwiches \$157.39 smcs; Tigerdirect \$133.14 co; Time for Baby \$58.41 smcs; Titleist \$152.40 smcs; Tool Doctor \$45.00 smcs; Tour Edge \$213.51 smcs; Tractor Supply \$1,231.64 smcs; Trade Well Pallet \$900.00 smcs; Tri City Outdoor Power \$49.99 smcs; Tri-Cities Group \$128.57 smcs; Turner Body Shop \$30.00 smcs; Uline \$119.35 smcs; Union Bank & Trust \$116,690.52 ps; Unique Management \$259.55 smcs; United \$25.00 smcs; Universal \$70.00 smcs; UPS Store \$123.29 smcs; US Bank- OEVS

\$89.51 co; USA Light \$126.00 smcs; USPS \$101.99 smcs; Van Wall Equipment \$1,858.14 smcs; Vasquez,C \$148.60 smcs; Verizon Wireless \$139.54 smcs,co; Walgreens \$81.29 smcs; Wal-mart \$2,392.35 smcs; Walton,T \$73.60 smcs; Warped Sportz \$30.00 smcs; Wellness Works \$250.00 smcs; Wells Fargo \$500.00 smcs; West Villa Animal Hospital \$44.25 smcs; West Wind \$1,500.00 smcs; Whalen,J \$73.60 smcs; When To Work \$180.00 smcs; Wicks Sterling Trucks \$188.68 smcs; Wiedel,G \$73.60 smcs; Wilke's True Value \$246.30 smcs; Windows 8 ESD \$99.99 co; Wolfe,B \$73.60 smcs; Workboots USA \$96.00 smcs; WPCI \$53.50 ps; WT Cox \$29.66 smcs; Yanda's Music \$228.56 co; Payroll Ending 5-18-2013 -- \$371,597.85. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

3. Receive recommendations of Planning Commission and set June 11, 2013 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2013-82** approving Supplemental Agreement No. 1 to the Federal-Aid Transportation Fund Purchase-Sale Agreement between the City of Kearney and the Nebraska Department of Roads.

### RESOLUTION NO. 2013-82

WHEREAS, in 2011, City of Kearney (hereinafter referred to as "LPA") and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement; rehabilitation, and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

WHEREAS, City of Kearney and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No. 1 setting out the necessary modifications to the Original Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the Mayor is hereby authorized and directed to sign the attached Federal Funds Purchase Program Supplemental Agreement No. 1 between City of Kearney and the NDOR.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

5. Adopt **Resolution No. 2013-83** approving the Developer Constructed Infrastructure Agreement for Fountain Hills Third Addition to construct water and sanitary sewer in the Access and Utility Easements on the property and paving improvements in 10th Avenue north of 48th Street.

**RESOLUTION NO. 2013-83**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Fountain Hills Third Addition" between the City of Kearney and Fountain Hills Properties LLC, a Nebraska Limited Liability Company by and through Steven D. Craig, Member, Carol J. Craig, a Nebraska Limited Liability Company, to construct the water and sanitary sewer in the Access and Utility Easements on the property and paving improvements in 10th Avenue north of 48th Street for Fountain Hills Third Addition to the City of Kearney be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Steven D. Craig, Member of Fountain Hills Properties LLC, a Nebraska Limited Liability Company to construct said improvements as stated above.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

6. Adopt **Resolution No. 2013-84** approving the Developer Constructed Infrastructure Agreement for Fountain Hills Sixth Addition to construct water, sanitary sewer, and concrete pavement and storm sewer in 15th Avenue to serve the subdivision.

**RESOLUTION NO. 2013-84**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Fountain Hills Sixth Addition" between the City of Kearney and Grand West LLC, a Nebraska Limited Liability Company by and through Steven D. Craig, Member, Anna L. Stehlik, Trustee and Morrison Enterprises, LLC, a Nebraska Limited Liability Company, and Kenneth Morrison, its Business Manager, to construct the water, sanitary sewer, and concrete pavement and storm sewer in 15th Avenue for Fountain Hills Sixth Addition to the City of Kearney be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Steven D. Craig, Member of Grand West LLC, a Nebraska Limited Liability Company to construct the said improvements as stated above.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

7. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney, NE, dba Alley Rose in connection with their Class IK-21763 catering liquor license to dispense beer, wine and distilled spirits inside the KRAVE Underground located in the Kaufmann Center, 2202 Central Avenue on June 22, 2013 from 5:00 p.m. until 1:00 a.m. for a reception.

8. Adopt **Resolution No. 2013-85** approving T-Hangar A-3 Lease Agreement between the City of Kearney and Roger Carlson for storage purposes at the Kearney Regional Airport.

**RESOLUTION NO. 2013-85**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar A-3 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Roger Carlson, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

9. Adopt **Resolution No. 2013-86** approving the Non-Owned Corporate Hangar T-925 Lease between the City of Kearney and Mark Pullman.

**RESOLUTION NO. 2013-86**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Non-Owned Corporate Hangar T-925 Lease on behalf of the City of Kearney, Nebraska, with Mark Pullman. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

10. Adopt **Resolution No. 2013-87** approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

**RESOLUTION NO. 2013-87**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the Peterson Senior Activity Center Annual Nutrition Service Contract on behalf of the City of Kearney. The said Contract, marked as Exhibit "1", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**11.** Adopt **Resolution No. 2013-88** approving the Developer Constructed Infrastructure Agreement for Lot 1, Fountain Hills Sixth Addition to construct a water main for fire suppression purposes.

**RESOLUTION NO. 2013-88**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Lot 1, Fountain Hills Sixth Addition" between the City of Kearney and Mead Building Centers of Kearney Real Estate, LLC to construct a water main for fire suppression purposes for Fountain Hills Sixth Addition to the City of Kearney be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Craig Bradshaw, President of Mead Lumber Company Inc. to construct said improvements as stated above.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**12.** Adopt **Resolution No. 2013-89** approving Application and Certificate for Payment No. 1 in the amount of \$110,184.75 submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue.

**RESOLUTION NO. 2013-89**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2012 Part 6 Improvements; Phase 2 consisting of Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$110,184.75, as shown

on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$683,092.30</u>
Contract Sum To Date	683,092.30
Gross Amount Due	122,427.50
Retainage	12,242.75
Amount Due to Date	110,184.75
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$110,184.75

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

STANLEY A. CLOUSE  
 PRESIDENT OF THE COUNCIL  
 AND EX-OFFICIO MAYOR

**13.** Adopt **Resolution No. 2013-90** approving Change Order No. 2 showing a decrease in the amount of \$464.50, Application and Certificate for Payment No. 3-Final in the amount of \$13,488.42, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2012 Part 6 Improvements – Bid A consisting of Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west, Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue; Water District No. 2012-567 in a 66-foot Road and Utility Easement from the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly; Sanitary Sewer District No. 2012-505A in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center, and Sanitary Sewer District No. 2012-506 in a Roadway and Utility Easement beginning at the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly.

**RESOLUTION NO. 2013-90**

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2012 Part 6 Improvements – Bid A consisting of Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west, Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue; Water District No. 2012-567 in a 66-foot Road and Utility Easement from the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly; Sanitary Sewer District No. 2012-505A in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center, and Sanitary Sewer District No. 2012-506 in a Roadway and Utility Easement beginning at the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly., and the City's engineer, Miller &

Associates, have filed with the City Clerk Change Order No. 2 showing a decrease in the amount of \$464.50, as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$13,488.42, as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$233,378.00
Change Order No. 1 (4-23-2013)	+ 1,800.00
Change Order No. 2 (5-28-2013)	- 464.50
	<u>\$234,713.50</u>
Contract Sum To Date	234,713.50
Gross Amount Due	234,713.50
Retainage	.00
Amount Due to Date	234,713.50
Less Previous Certificates for Payment	<u>221,225.08</u>
Current Payment Due	\$13,488.42

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 30, 2013, as shown by Exhibit “C” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit “A”, Application and Certificate for Payment No. 3-Final, as shown on Exhibit “B”, and the Certificate of Substantial Completion as shown on Exhibit “C” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

STANLEY A. CLOUSE  
 PRESIDENT OF THE COUNCIL  
 AND EX-OFFICIO MAYOR

**14.** Adopt **Resolution No. 2013-91** approving Application and Certificate for Payment No. 2 in the amount of \$81,844.94 submitted by Blessing, LLC and approved by Miller & Associates for the 2012 Part 6 Improvements – Bid B consisting of Paving Improvement District No. 2012-954 for 52nd Street from 3rd Avenue and terminating 761 feet west; Paving Improvement District No. 2012-955A for 3rd Avenue, a Road and Utility Easement, from the north line of 52nd Street to the north line of Oak Park Center and east in a Roadway and Utility Easement to the west line of 2nd Avenue; Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue.

**RESOLUTION NO. 2013-91**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2012 Part 6 Improvements – Bid B consisting of Paving Improvement District No. 2012-954 for 52nd Street from 3rd Avenue and terminating 761 feet west; Paving Improvement District No. 2012-955A for 3rd Avenue, a Road and

Utility Easement, from the north line of 52nd Street to the north line of Oak Park Center and east in a Roadway and Utility Easement to the west line of 2nd Avenue; Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$81,844.94, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$492,366.19</u>
Contract Sum To Date	492,366.19
Gross Amount Due	203,977.82
Retainage	20,397.78
Amount Due to Date	183,580.04
Less Previous Certificates for Payment	<u>101,735.10</u>
Current Payment Due	\$ 81,844.94

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

STANLEY A. CLOUSE  
 PRESIDENT OF THE COUNCIL  
 AND EX-OFFICIO MAYOR

**15.** Adopt **Resolution No. 2013-92** approving the Fixed Base Operator Use and Operations Agreement for Hangar T-927 at the Kearney Regional Airport between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center.

**RESOLUTION NO. 2013-92**

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Fixed Base Operator Use and Operations Agreement for Hangar T-927 on behalf of the City of Kearney, Nebraska, with Premier Aviation Training and Management, LLC, dba Kearney Aviation Center for Hangar T-927 at the Kearney Regional Airport. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

STANLEY A. CLOUSE  
 PRESIDENT OF THE COUNCIL  
 AND EX-OFFICIO MAYOR

**16.** Adopt **Resolution No. 2013-93** approving the Use and Operations Agreement for Hangar T-913 at the Kearney Regional Airport between the City of Kearney and Premier Aviation Training and Management, LLC, dba Kearney Aviation Center.

**RESOLUTION NO. 2013-93**

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement for Hangar T-913 at the Kearney Regional Airport on behalf of the City of Kearney, Nebraska with Premier Aviation Training and Management, LLC, dba Kearney Aviation Center. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**17.** Adopt **Resolution No. 2013-94** approving the Fixed Base Operator Use and Operations Agreement for Hangar T-926 at the Kearney Regional Airport between the City of Kearney and Otis Air Service.

**RESOLUTION NO. 2013-94**

BE IT RESOLVED, by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to executive the Fixed Base Operator Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Otis Air Service for Hangar T-926 at the Kearney Regional Airport. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**18.** Adopt **Resolution No. 2013-95** approving the Use and Operations Agreement for Hangar T-385 at the Kearney Regional Airport between the City of Kearney and Otis Air Service.

**RESOLUTION NO. 2013-95**

BE IT RESOLVED, by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska with Otis Air Service for Hangar T-385 at the Kearney Regional Airport. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**19.** Adopt **Resolution No. 2013-96** approving the standard Professional Service Consultant Agreement for CDBG Funds projects.

**RESOLUTION NO. 2013-96**

WHEREAS, the Department of Housing and Urban Development has modified regulations for engineering and other professional services on Community Development Block Grants (CDBG); and

WHEREAS, professional services for CDBG projects will no longer be allowed to contract at a percentage of cost and recommended that services be contracted under a lump sum and hourly "Not To Exceed" for CDBG projects; and

WHEREAS, a standard contract will be used for all CDBG projects, along with attachments describing the scope of work and cost specific to that project.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the "Standard Form for Professional Service Consultant Agreement for Community Development Block Grant Projects" be and is hereby adopted as the standard contract to be used for all CDBG projects. A copy of the standard contract, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**20.** Adopt **Resolution No. 2013-97** approving the Professional Service Consultant Agreement for Community Revitalization – Sidewalks/Ramps project between the City of Kearney and Miller & Associates.

**RESOLUTION NO. 2013-97**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Professional Service Consultant Agreement for Community Revitalization; Sidewalks/Ramps 2013 between the City of Kearney and Miller & Associates. The said Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**21.** Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2014: **Rodeo Court**, 2414 West 24th Street; **R-Villa East, West and South**, 2500, 2719, 2803 West 24th Street; **Villa Park**, 2703 West 24th Street.

**22.** Approve the Intent to Apply for Community Development Block Grant – Economic Development funds on behalf of Midland Molding.

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 7808 SELLING VACATED RIGHT-OF-WAY TO ACE IRRIGATION**

This ordinance transfers additional right-of-way to Ace Irrigation along Old Airport Road. This will clean up the vacation of that road and transfer the property to Ace Irrigation. Previously, the Council had agreed as part of the sale of real estate to Ace to transfer this remaining right-of-way to them.

Council Member Nikkila introduced Ordinance No. 7808, being Subsection 1 of Agenda Item V selling a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska to Ace Irrigation and Manufacturing Company, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7808 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Clouse that Ordinance No. 7808 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7808 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**VI. REGULAR AGENDA****ORDINANCE NO. 7809 ISSUING PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BONDS**

Mayor Clouse stated Regular Agenda Items 1 and 2 can be discussed together but voted on separately.

Bruce Lefler from Ameritas presented this matter to the Council. He wanted to touch base on the Public Safety Tax Anticipation Bonds is part for new money and part for refinancing. The refinancing of Series 2008, the \$1,175,000 which are outstanding at an average interest rate of 4.18 percent interest. A portion of the \$2,870,000 is going to be used to refund those bonds into new bonds that will have an average interest rate of 1.55 percent. Refunding a portion of those bonds will be advertised over the same period of time as the original bonds were. The savings to the City will be just shy

\$115,000 over the remaining nine years of payments on the bonds which is approximately \$12,000-\$13,000 annually. The balance of that issue is to be used for additional Public Safety. The overall borrowing cost over the 20 year period, essentially \$1,650,000-\$1,700,000 for the new money fees. It will be advertised over a 20 year period; the total borrowing cost to the City on the combined issue is right at about 2.61 percent. Approximately 25-30 percent of the bonds are committed locally.

Council Member Clouse introduced Ordinance No. 7809, being Subsection 1 of Agenda Item VI authorizing the issuance of Public Safety Equipment Tax Anticipation Bonds of the City of Kearney, Nebraska in the principal amount of \$2,870,000 for the purpose of paying and redeeming \$1,175,000 of the City's outstanding Public Safety Equipment Tax Anticipation Bonds, Series 2008, date of original issue – January 15, 2008; and for the purpose of constructing public safety improvements consisting of improvements to the law enforcement center, constructing a third bay at the airport fire station, purchasing fire equipment to include an aerial truck and miscellaneous costs associated therewith; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7809 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7809 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7809 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**REDEMPTION OF THE PUBLIC SAFETY EQUIPMENT TAX ANTICIPATION BONDS,  
SERIES 2008**

Mayor Clouse opened for discussion Resolution No. 2013-98 calling for the redemption of the Public Safety Equipment Tax Anticipation Bonds, Series 2008 that mature May 15, 2022.

Moved by Nikkila seconded by Lear to adopt **Resolution No. 2013-98** calling for the

redemption of the Public Safety Equipment Tax Anticipation Bonds, Series 2008 that mature May 15, 2022. Roll call resulted as follows: Aye: Clouse, Lammers, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried.

### **RESOLUTION NO. 2013-98**

BE IT RESOLVED by the Mayor and City Council of Kearney, Nebraska:

Section 1. The following bonds of the City of Kearney, Nebraska, in accordance with their option provisions are hereby called for payment on July 2, 2013, after which date interest on the bonds will cease:

Public Safety Equipment Tax Anticipation Bonds, Series 2008, date of original issue – January 15, 2008, in the principal amount of One Million One Hundred Seventy-five Thousand Dollars (\$1,175,000), numbered as shown on the books of the Paying Agent and Registrar, and becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$ 185,000	May 15, 2014	3.60%	486890 VT0
195,000	May 15, 2015	3.70	486890 VU7
205,000	May 15, 2016	3.80	486890 VV5
205,000	May 15, 2017	3.90	486890 VW3
70,000	May 15, 2018	4.00	486890 VX1
75,000	May 15, 2019	4.10	486890 VY9
75,000	May 15, 2020	4.20	486890 VZ6
80,000	May 15, 2021	4.30	486890 WA0
85,000	May 15, 2022	4.35	486890 WB8

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after January 15, 2013, at par and accrued interest, and said interest is payable semiannually.

Section 2. The Refunded Bonds are to be paid at the office of the Treasurer of the City of Kearney, Kearney, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. A true copy of this resolution shall be filed immediately with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty (30) days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said Refunded Bonds.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

### **ORDINANCE NO. 7810 ISSUANCE AND SALE OF BOND ANTICIPATION NOTES**

Bruce Lefler from Ameritas presented this matter to the Council. He stated this is the same process typically used to go through on the paving projects to the extent of

financing. Upon completion of projects, the City goes to permanent financing for those costs remaining on the project. So this financing for the Bond Anticipation Notes will have a maturity of June 15, 2014 and the interest rates on these notes would be settled at 0.35 percent.

Council Member Nikkila confirmed with the City Manager that these bonds are already anticipated in the City budget from last year.

Council Member Lear introduced Ordinance No. 7810, being Subsection 3 of Agenda Item VI authorizing the issuance and sale of Bond Anticipation Notes of the City of Kearney, Nebraska in the principal amount of \$1,075,000 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District Nos. 2012-954 and 2012-956 of said City pending the issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said Notes; agreeing to issue the City's General Obligation Various Purpose Bonds to pay the Notes at maturity or to pay the Notes from other available funds; and entering into a contract on behalf of the City with the holders of said Notes, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7810 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 7810 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7810 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **K-MART MANAGER APPLICATION**

Mayor Clouse opened for discussion the manager application for Doug Nygren submitted by Kmart Corporation, dba Big Kmart #3814 in connection with their Class D-43433 liquor license located at 4700 2nd Avenue.

Doug Nygren presented this matter to the Council. He has been manager for the past seven years. He previously submitted most of the certificates from employees. They also do certification within the store through corporate office; it is a double certification.

Council Member Lear stated underage drinking is a significant issue to the City of Kearney, and asked what the store policy was if an employee sells to a minor. Mr. Nygren stated if they do have a minor within that register, there is a supervisor that steps in and takes care of the transaction.

Moved by Lammers seconded by Nikkila to approve the manager application for Doug Nygren submitted by Kmart Corporation, dba Big Kmart #3814 in connection with their Class D-43433 liquor license located at 4700 2nd Avenue. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Lear. Nay: None. Buschkoetter absent. Motion carried.

### **NAMING ROOMS AT THE KEARNEY PUBLIC LIBRARY**

Mayor Clouse opened for discussion the recommendation from the Library Advisory Board on naming the following rooms at the Kearney Public Library: Dr. B.M. & Beverly Stevenson Fiction Room, David and Lorma Wiebe Local History Room, Marilyn and Galen Hadley Computer Lab, Eaton Charitable Fund Computer Classroom, and Peter Kiewit Foundation Children's Room and to consider Resolution No. 2013-99.

City Clerk stated that as part of the funding campaign for the library addition/renovation, it was agreed that people donating over \$50,000 would have naming rights to rooms at the library. Seven of the eligible donors chose to do so. On May 14, 2013 the Library Advisory Board approved the requested naming of the following rooms at the Kearney Public Library: Dr. B.M. & Beverly Stevenson Fiction Room, David and Lorma Wiebe Local History Room, Marilyn and Galen Hadley Computer Lab, Eaton Charitable Fund Computer Classroom, and Peter Kiewit Foundation Children's Room.

Moved by Nikkila seconded by Lear to adopt **Resolution No. 2013-99** approving the recommendation from the Library Advisory Board on naming the following rooms at the Kearney Public Library: Dr. B.M. & Beverly Stevenson Fiction Room, David and Lorma Wiebe Local History Room, Marilyn and Galen Hadley Computer Lab, Eaton Charitable Fund Computer Classroom, and Peter Kiewit Foundation Children's Room. Roll call resulted as follows: Aye: Clouse, Lammers, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried.

### **RESOLUTION NO. 2013-99**

WHEREAS, it has been determined that the City of Kearney needed a policy in place setting forth the provisions for naming and/or renaming City facilities; and

WHEREAS, on March 13, 2007 the City Council adopted the "City of Kearney Municipal Facilities Naming/Renaming Policy"; and

WHEREAS, the City received an application submitted by Library Advisory Board for the naming the following rooms at the Kearney Public Library: Dr. B.M. & Beverly Stevenson Fiction Room, David and Lorma Wiebe Local History Room, Marilyn and Galen Hadley Computer Lab, Eaton Charitable Fund Computer Classroom, and Peter Kiewit Foundation Children's Room; and

WHEREAS, the Library Advisory Board met on May 14, 2013 to consider the application, and has forwarded the recommendation to the City Council that the application submitted the naming the following rooms at the Kearney Public Library: Dr.

B.M. and Beverly Stevenson Fiction Room, David and Lorma Wiebe Local History Room, Marilyn and Galen Hadley Computer Lab, Eaton Charitable Fund Computer Classroom, and Peter Kiewit Foundation Children's Room; and

WHEREAS, the City Council discussed the naming of this land at its meeting held on May 28, 2013 and determined it would be appropriate to name the rooms at the Kearney Public Library as outlined above.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the recommendation from the Library Advisory Board.

BE IT FURTHER RESOLVED that the designations submitted for the following rooms at the Kearney Public Library: Dr. B.M. and Beverly Stevenson Fiction Room, David and Lorma Wiebe Local History Room, Marilyn and Galen Hadley Computer Lab, Eaton Charitable Fund Computer Classroom, and Peter Kiewit Foundation Children's Room.

PASSED AND APPROVED THIS 28TH DAY OF MAY, 2013.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

**OPEN ACCOUNT CLAIMS: NPPD - \$82,701.84**

Moved by Lear seconded by Lammers that Open Account Claims in the amount of \$82,701.84 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers. Nay: None. Clouse abstained and Buschkoetter absent. Motion carried.

**VII. REPORTS**

City Manager explained the importance of Nebraska Public Power District in the community.

- Nebraska is the only state in the nation that is served entirely by public owned utilities.
- NPPD service area covers 86 and 93 counties, 51 municipalities with wholesale agreements and 80 with retail agreements.
- Kearney has a Professional Operating Agreement; long term partnership signed in 2005, that's good for 25 years.
- NPPD provides a certain lease payment to the City; 12 percent adjusted gross income.
- The lease payment was \$5.3 million in 2012. That is certainly an important part of Kearney's revenue stream. This relationship is the best of all worlds; Kearney gets the expertise and the ability of the private sector to manage something very competitively and do it very well while at the same time Kearney gets a generally strong revenue source from that. Cities such as Grand Island has its own utilities. Hastings has its own electric utilities.
- There are also City sales taxes of approximately \$500,000 on top of that.
- NPPD also pay 5 percent gross revenue in lieu of property tax to the County.
- NPPD oversees all of its electrical infrastructure, including the typical billing and accounting, construction maintenance, engineering, substation, environmental,

compliance services.

- They employ 102 people in Kearney.
- The capital Investment in Kearney in 2012 was \$1.3 million.
- They provide significant economic development services to the City of Kearney and the Economic Development Council.
- The bottom line is this agreement with NPPD has been very successful resulting in excellent customer service, significant revenues, reliable and affordable power for Kearney city government as well as the citizens of Kearney. Kearney has been provided the opportunity to be involved in NPPD strategic planning efforts and receives consistent and quality information from NPPD. NPPD continues to play a vital role in our community as a quality employer and a contributor in many other ways in the community.

City Manager reminded the Council that the groundbreaking for Baldwins addition was scheduled for May 29, 2013 at noon. He commended the great working relationship between Baldwins, the Department of Roads, and Buffalo County on the improvement to Highway 30.

Mayor Clouse wanted to remind everyone of the Shrine Bowl parade and game that was taking place this weekend. This is a big event for Kearney.

### **VIII. ADJOURN**

Moved by Lammers seconded by Nikkila that Council adjourn at 7:20 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers. Nay: None. Buschkoetter absent. Motion carried.

**ATTEST:**

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**STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR**

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**MICHAELLE E. TREMBLY  
CITY CLERK**